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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,603	07/30/2003	Deborah Moore	113424.120US1	6130
28089	7590	10/16/2006	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP			LIN, SHEW FEN	
399 PARK AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022			2166	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,603	<b>Applicant(s)</b> MOORE ET AL.	
	<b>Examiner</b> Shew-Fen Lin	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/30/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 16-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 26-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/10/04, 7/6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- a. This action is responsive to communications: application filed on 7/30/2003.
- b. Claims 1-15 and 26-38 are pending and claims 16-25 have been withdrawn.

Claims 1 and 26 are independent claims.

### ***Election/Restrictions***

Claims 16-25 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 8/14/06.

### ***Claim Objections***

Claims 35 and 36 objected to because of the following informalities:

Claim 35 recites the limitation "indirect alignment" which is not disclosed in claim 29.

Claim 36 recites the limitation "central data set", source data set" which is not disclosed in claim 30. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 26-34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Spetsmann (US Publication 2003/0050935).

**As to claim 1**, Spetsmann discloses a method for managing content (matching content of educational product to curriculum standards, paragraph [0008]), wherein at least a portion of the content is stored by an alignment system (paragraph [0014], [0045]), the method comprising the steps of: receiving a request (a user query, paragraph [0021], lines 1-6), from at least one user, at the alignment system, to align the content to at least one of a plurality of standards using the alignment system (query identifying a grade level, a subject, state standard, paragraph [0023], lines 1-4, paragraph [0025]); and performing the alignment using the alignment system (return product that meet the curriculum requirement, paragraph [0022], lines 4-12).

**As to claim 2**, Spetsmann discloses wherein the alignment system is a web-based alignment system (on-line, web, paragraph [0034], lines 1-3).

**As to claim 3**, Spetsmann discloses wherein the alignment system is a software-based alignment system (paragraph [0034], lines 3-7).

**As to claim 4**, Spetsmann discloses wherein the content comprises at least one of instructional data (textbooks, teaching materials, paragraph [0039]), planning data,

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implementation data, assessment data, school district instructional data (textbooks, teaching materials, paragraph [0039]), school district planning data, and school district assessment data.

**As to claim 5**, Spetsmann discloses wherein the step of performing the alignment of the content is a semi-automated process performed by the alignment system (paragraph [0104]).

**As to claim 6**, Spetsmann discloses wherein the plurality of standards comprises local school standards, school district standards, state standards, and national standards (school to nation, paragraph [0001], lines 5-8).

**As to claim 7**, Spetsmann discloses wherein the plurality of standards comprises national marketing standards (paragraph [0007]).

**As to claim 8**, Spetsmann discloses wherein the alignment method aligns the content by integrating new content into an existing organizational hierarchy within the alignment system by determining where the new content belongs within the existing organizational hierarchy and by locating at least one existing record to which the new content is related (paragraph [0088])

**As to claim 9**, Spetsmann discloses the method of claim 8, wherein the alignment system comprises a relational database management system (paragraph [0042], lines 6-9).

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**As to claim 10**, Spetsmann discloses the method of claim 8, wherein the step of integrating new content is achieved using at least one of a find-similar tool (fuzzy search, paragraph [0104]), a document routing tool, and a term analysis tool (paragraph [0107]).

**As to claim 11**, Spetsmann discloses wherein the alignment is performed based on a set of rules, the set of rules comprising at least one of creating alignments to all records that receive at least a minimal score when considered by a find-similar tool, taking a predetermined number of best matches regardless of score, considering records in a certain portion of an organization hierarchy (paragraph [0090], [0091]), dynamically limiting the organizational hierarchy using a document routing tool, a logic application which limits at least one of a number of records to be considered and a minimal criteria for alignment (reining search result, paragraph [0035], [0104]).

**As to claim 12**, Spetsmann discloses wherein the step of aligning the content further comprises receiving feedback from the at least one user, wherein the feedback enables the at least one user to do at least one of accept (view selected result, paragraph [0079], lines 11-15), reject, and modify an alignment result (narrow search result, paragraph [0029],[0030]).

**As to claim 13**, Spetsmann discloses wherein the step of performing the alignment further comprises performing one of direct alignment (match query with standard, paragraph [0008]) and indirect alignment (cross reference, paragraph [0053]).

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**As to claim 26**, is directed to a computer readable medium carrying instructions for performing the methods of claim 1 and is rejected along the same rationale.

**As to claim 27**, is directed to a computer readable medium carrying instructions for performing the methods of claim 4 and is rejected along the same rationale.

**As to claim 28**, is directed to a computer readable medium carrying instructions for performing the methods of claim 5 and is rejected along the same rationale.

**As to claim 29**, is directed to a computer readable medium carrying instructions for performing the methods of claim 8 and is rejected along the same rationale.

**As to claim 30**, is directed to a computer readable medium carrying instructions for performing the methods of claim 9 and is rejected along the same rationale.

**As to claim 31**, is directed to a computer readable medium carrying instructions for performing the methods of claim 10 and is rejected along the same rationale.

**As to claim 32**, is directed to a computer readable medium carrying instructions for performing the methods of claim 11 and is rejected along the same rationale.

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**As to claim 33**, is directed to a computer readable medium carrying instructions for performing the methods of claim 12 and is rejected along the same rationale.

**As to claim 34**, is directed to a computer readable medium carrying instructions for performing the methods of claim 13 and is rejected along the same rationale.

**As to claim 37**, Spetsmann discloses wherein the alignment system stores all of the content to be aligned (paragraph [0001], [0042]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spetsmann (US Publication 2003/0050935) in view of Applicant Admitted Prior Art (US Publish 2004/0024776, hereinafter referred as AAPA).

**As to claims 14 and 15**, Spetsmann discloses the method of claim 13 but does not explicitly disclose wherein indirect alignment is achieved by manipulating data types, such that alignment is made directly between at least one source data set and at least one target data set



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without initial alignment between the at least one source data set and at least one central data set and new central data set is achieved by integrating the at least one source data set and the at least one central data set.

AAPA discloses the indirect alignment is achieved by aligning directly between at least one source data set and at least one target data set without initial alignment between the at least one source data set and at least one central data set (Figure 2, paragraph [0005]) and new central data set is achieved by integrating the at least one source data set and the at least one central data set (inherit the alignment to pre-aligned data set, paragraph [0005]). It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Spetsmann's disclosure to include indirect alignment by pre-aligned content as taught by AAPA for the purpose of reducing the time spent aligning content and standard (paragraph [0005], lines 1-3, AAPA). The skilled artisan would have been motivated to improve the invention of Spetsmann per the above such that standard matching process can be more effective.

**As to claim 35**, is directed to a computer readable medium carrying instructions for performing the methods of claim 14 and is rejected along the same rationale.

**As to claim 36**, is directed to a computer readable medium carrying instructions for performing the methods of claim 15 and is rejected along the same rationale.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spetsmann (US Publication 2003/0050935) in view of Cappellucci et al. (US Publish 2003/0039949, hereinafter referred as Cappellucci).

As to claim 38, Spetsmann discloses a server and a number of databases, but does not explicitly disclose the database may be located at different computers.

Cappellucci discloses wherein the alignment system stores a portion of the content to be aligned (Figure 1) and additionally stores at least one uniform resource identifier link (on-line resources, paragraph [0049]), which enables access to additional portions of the content to be aligned (access through internet, paragraph [0061]), the additional portions of the content being stored on at least one of at least one separate computer and at least one separate server (server and one or more data computers, Figure 5, paragraph [0062], [0064]). It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Spetsmann's disclosure to include resources/databases located at different computers as taught by Cappellucci for the purpose of accessing resources at different location (paragraph [0006], lines 1-3, Cappellucci). The skilled artisan would have been motivated to improve the invention of Spetsmann per the above to enable a user (educator, administrator) to have full access to all educational resources (paragraph [0012], lines 1-3).

#### ***Related Prior Arts***

The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Jurden, Leonard, US 20020161612 A1, "Method of providing focused resources and managed infrastructure customized to a particular concern"
- Sumrall, Kenneth A. et al., US 20050287510 A1, "Integrated instructional management system and method"

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shew-Fen Lin  
Patent Examiner



Art Unit 2166  
October 3, 2006



**MOHAMMAD ALI  
PRIMARY EXAMINER**